

At an IAS Part 60 of the Supreme Court of the State of New York, County of New York, at the Courthouse located at, 60 Centre Street, New York, New York on the 16 day of December 2004.

PRESENT: B. Fried  
Justice

PHILLIP NELSON BURNS, MIRJANA PAVKOVICH, Administrator of the Estate of Rade Pavkovich, Deceased, and WARREN ELMER HALFPAP,

Plaintiff(s),

-against-

Index No.: 114728/04

GRUPO MEXICO S. A. de C.V., a Mexican Corporation, SOUTHERN PERU HOLDING CORPORATION, a Delaware Corporation, SOUTHERN PERU HOLDING CORPORATION II, a Delaware Corporation, GRUPO MINERO MEXICO INTERNACIONAL, S. A. DE C.V., a Mexican Corporation, COMPAÑIA MEXICANA de COBRE, a Mexican Corporation, JP MORGAN CHASE & COMPANY f/k/a CHASE MANHATTAN BANK & TRUST COMPANY, a Delaware Corporation AMERICAS MINING CORPORATION, a Delaware Corporation, ERNST & YOUNG LLP, ERNST & YOUNG CORPORATE FINANCE, LLC, GERMAN LARREA MOTA-VAELASCO, Officer and Director of ASARCO, Inc., OSCAR GONZALES ROCHA Officer and Director of ASARCO, Inc., DANIEL TELLECHEA SALIDO Officer and Director of ASARCO, Inc.

**PROPOSED ORDER**

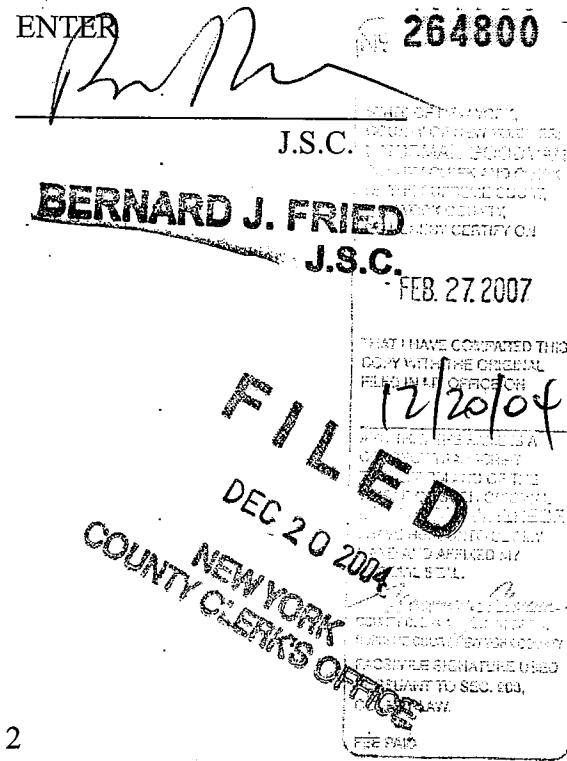
FILED  
DEC 20 2004  
NEW YORK  
COUNTY CLERKS OFFICE

Defendant(s)

Upon reading the Notice of Motion dated November 30, 2004, the affirmation of Gary Klein, Esq., affirmed the 1st day of December, 2004 in support of said motion, and there being no opposition thereto it is hereby

**ORDERED**, that Plaintiffs Motion to Appoint Special Process Server to Effect Service of Process on an Unauthorized Foreign Corporation Pursuant to the Hague Convention is GRANTED; and it is further

**ORDERED**, that APS International, Ltd. is authorized to effect service of process on the defendants, Grupo Mexico S. A. de C.V., Grupo Minero Mexico Internacional, Compania Mexicana de Cobre, German Larrea Mota-Vaelasco, Oscar Gonzales Rocha and Daniel Tellechea Salido in Mexico in accordance with the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters, TIAS #10072 (U.S. Treaties & Other International Acts) and 20 UST 361 (U.S. Treaties & Other International agreements) and International Law.



LAW OFFICES  
OF  
WEITZ  
&  
LUXENBERG, P.C.  
180 MAIDEN LANE  
NEW YORK, N.Y. 10038

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

PHILLIP NELON BURNS, MIRJANA PAVKOVICH,  
Administrator of the Estate of Rade Pavkovich, Deceased,  
and WARREN ELMER HALFPAP,

Plaintiffs,

-against-

GRUPO MEXICO S. A. de C.V., A Mexican Corporation, et al.

Defendants.

## PROPOSED ORDER

WEITZ & LUXENBERG, P.C.

Attorneys for

180 Maiden Lane  
New York, NY 10038  
(212) 558-5500

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: ..... Signature.....

Print Signer's Name.....

Service of a copy of the within is hereby admitted.

Dated: .....  
.....

Attorney(s) for

## PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF ENTRY

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

20

NOTICE OF SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the  
Hon. one of the judges of the within named Court,  
at  
on 20 , at M.

Dated:

WEITZ & LUXENBERG, P.C.

Attorneys for

To:

180 Maiden Lane  
New York, NY 10038